



***COMMONWEALTH of VIRGINIA***  
***Office of the Attorney General***

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**MEMORANDUM**

**TO: RENEE WHITE**  
Regulatory Coordinator  
Department of Medical Assistance Services

**FROM: REATHA B. KAY**  
Special Counsel to DMAS

**DATE: December 14, 2005**

**SUBJECT: Proposed Regulations concerning FAMIS MOMS**

I have reviewed the attached proposed regulations concerning the changes to the Family Access to Medical Insurance Security ("FAMIS") Plan regulations to implement a new program to provide health care coverage to pregnant women with income over the Medicaid limit but less than or equal to 150 percent of the Federal Poverty Level utilizing Title XXI funds.

Based on that review, it is this Office's view that the Director, pursuant to Va. Code § 32.1-351, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority. The amendments to the regulations will enable the Director, in lieu of the Board of Medical Assistance Services, to implement the new FAMIS MOMS program. The changes were first made by the promulgation of emergency regulation, and were approved by this Office in a memorandum dated June 28, 2005.

If you have any questions, please feel free to call me at 786-1841.

cc: Kim F. Piner, Esquire

Attachment